



**Energy Facilities Siting and
Environmental Protection
Division**

FILE: Water Transfer

PROJECT TITLE: Avenal Energy

<input checked="" type="checkbox"/> Telephone	661.634.1418	<input type="checkbox"/> Meeting Location:	
NAME:	Gary Butcher	DATE:	3.21.02
TIME:	3 pm		
WITH:	Kern County Water Agency		
SUBJECT:	Explanation of the Nichols Water Transfer		

COMMENTS:

I contacted Gary Butcher for an explanation of what is meant by the term "new water" when discussing the Nichols water right that will be used for the Avenal Energy project. Gary provided the following explanation.

General Points:

Nichols are the descendents of those that developed the Kern River Flood Flows and this is where the rights originate. Historically, most of the flood flows were diverted and put to beneficial use or stored. Nichols has at times been able to store flows in Lake Isabella.

As part of a 1962 arrangement, Nichols acquired a formal right to the Lower Kern River Flood Flows. When the river flows exceed 120 percent of normal, the Lower Kern River flows are available. This usually occurs during the winter in a wet year. As a result, it is not always possible to store the flows in Lake Isabella. But when it is possible, Nichols has been able to temporarily store as much as 40,000 acre feet.

The flood flows occur in 1 out of 4 years historically and has been calculated to be approximately 50,000 acre-feet a year. Nichols has only ever been able to capture and put to beneficial use 40,000 acre-feet a year at most with at least 10,000 acre-feet being lost down stream. Lost flows have gone north to Tulare Lake where it either evaporates or percolates then pumped out. (We can talk with Brent Gram at Tulare Lake Storage Area to find out what actually happens there). Some of the 40,000 acre-feet Nichols has been able to sell.

After 1975, the Kern River intertie allowed some of these lost flood flows to be discharged to the Aqueduct.

Kern County Water Agency acquired the Nichols 50,000 acre-feet a year Lower Kern River Flood Flows as part of the actions described in the Initial Study/Negative Declaration (dated July 27, 2000) using Prop. 13 moneys. It is a separate action from the Kern River Restoration Program which is also covered in this environmental documentation.

Unlike Nichols, KCWA will be able to capture and put to beneficial use the entire 50,000 acre-feet using facilities that Nichols did not have access to. These include well, canals and banking facilities. The agency also have rights to some of the historical banked flows.

The 10,000 acre-feet which is covered in the transfer-related negative declaration refers to water KCWA makes available to Nichols as agreed to by the parties when KCWA acquired



Nichols rights. KCWA can provide Nichols this water one of two ways:

Directly by pumping right out of the Aqueduct (this is most likely during wet years) or indirectly (primarily during dry years) by pumping from the KCWA's system and putting into the Aqueduct.

I asked Gary if he could please make sure that I get copies of any background information that supported the two environmental documents (both the documents were very vague) and or explained the arrangements that were made in the acquisition of the Nichols rights and how the system is to operate as a result.

He stressed that the restoration Program and the 50,000 acre-feet a year are two separate programs and don't have any relationship to each other.

cc: Lance Shaw Dockets Gary Bucher	Signed:
	Name: Lorraine White